



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

OCT 13 2000

Mr. J. H. DiGirolamo
Distribution Department
Air Products and Chemicals, Inc.
7201 Hamilton Boulevard
Allentown, PA 18195-3475

Ref. No: 00-0286

Dear Mr. DiGirolamo:

This is in response to your October 10, 2000 letter regarding the return of foreign made cylinders to the US for refilling under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask whether a foreign made cylinder containing only the residue of a Division 2.2 (nonflammable gas) with a Division 5.1 (oxidizer) subsidiary hazard may be transported into the US as empty if the pressure in the cylinder does not exceed 40.6 psia.

The answer is yes, provided all the requirements of § 173.29(b) are met. The provision in § 173.29(b)(2)(iv)(B) which states that a packaging containing a Division 2.2 nonflammable gas with no subsidiary hazard with an absolute pressure less and 40.6 psia is not regulated does not pertain to your shipment because the pressure in the cylinder you describe is so low that the subsidiary (oxidizer) hazard is not posed.

I hope this information is helpful.

Sincerely,

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



000286

173.29



Air Products and Chemicals, Inc.
7201 Hamilton Boulevard
Allentown, PA 18195-1501
Tel (610) 481-3475

Billings
→ 173.29
Empty Packagings
00-0286

10 October 2000

Mr. Edward Mazzullo, Director
Office of Hazardous Materials Standards (DHM-10)
U. S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590-0001

Re: Foreign Cylinder Interpretation

Dear Mr. Mazzullo:

As per CFR173.301(j), a foreign manufactured cylinder can be charged for export if it meets all of the published regulatory requirements. Air Products exports a compressed gas that has a primary hazard of 2.2 (nonflammable gas) with a 5.1 (oxidizer) subsidiary hazard.

After our foreign customer uses the product, they wish to return the residue cylinders for refilling using an "exclusive use" freight container loaded by the customer sent via ocean freight. There is approximately .74 lbs of product left in the cylinders with a pressure not exceeding 40.6 psia when they are "emptied". Under these conditions, the oxidizer subsidiary hazard no longer exists. The container would be then transported directly to our fill plant and unloaded by our company personnel. At no time is the container opened from the time it is loaded at the customer until it arrives and is unloaded at our plant.

Under this scenario, could these foreign manufactured residue cylinders enter the United States for refilling under 173.29 (empty packagings)?

Thank you in advance for your consideration on this very important issue.

Sincerely,

A handwritten signature in cursive script that reads "Joseph H. DiGirolamo".

J. H. DiGirolamo
Sr. Logistics Specialist
Distribution Department